

REMARKS

The above-identified patent application has been amended and reconsideration and reexamination are requested.

The examiner objected to the abstract of the disclosure. Applicant has amended the abstract.

The examiner objected to claim 2 because the phrase "the unique" was repeated twice. Applicant has amended claim 2.

The examiner rejected claim 17 under 35 U.S.C. 112 as failing to particularly point out and distinctly claim the subject matter regarded as the invention. Applicant has amended claim 17.

The examiner rejected claims 1-21 under 35 U.S.C. 102(e) as being anticipated by Balent, U.S. Pub. No. 2003/0158796 A1. Claims 1-21 and newly added claims 22-32 are allowable over Balent.

Applicant's claim 1 is allowable over Balent because Balent neither describes nor suggests a "system for managing physical assets." Claim 1 is further allowable over Balent since Balent neither describes nor suggests a system for managing physical assets "with each physical asset assigned a unique identifying code that is unique for all assets tracked by the system with no two assets belonging to different classes of physical assets and no two assets belonging to the same class of physical assets having the same identifying code."

The examiner considers Balent as teaching this feature. However, the embodiment of Balent cited by the examiner to support this assertion contemplates the use of UPC barcodes to identify retail products. A UPC barcode is not "a unique identifying code . . . with no two assets belonging to different classes of physical assets and no two assets belonging to the same class of physical assets having the same identifying code" because two identical retail products within a class are assigned the same UPC barcode under the system taught by Balent. For example, each 12-ounce package of Kraft, Cracker Barrel, Extra Sharp Cheddar Cheese produced with the same expiration date would have the same UPC barcode under the system disclosed by Balent. (*See* pp. 4-5, ¶ 43.)

Claim 1 is further distinguished over Balent because Balent neither describes nor suggests a system for managing physical assets "wherein . . . every time the status of a physical asset changes over the course of a cycle of change in status, the unique identifying label attached to the asset is scanned by one of the plurality of scanners and the unique identifying code is transmitted over the communications link to the computer database."

The examiner considers Balent as teaching this feature. However, the embodiment of Balent cited by the examiner to support this contention is directed to a system for determining the end of the useful working life of safety equipment and is thus completely unrelated to a "system for managing physical assets." (See pp. 18-19, ¶¶ 0310-0319.) The system for determining the end of the useful working life of safety equipment as taught by Balent discloses logging events such as falls arrested and exposure to sunlight and chemicals. The system taught by Balent therefore merely estimates the linear, useful lifetime of safety equipment based on the logging of certain critical events and consequently bears no relation to the system for managing physical assets of claim 1 that tracks "the status of a physical asset . . . over the course of a cycle of change in status."

Claims 2-13 and newly added claims 22-26 and 29-32 which depend directly or indirectly on claim 1, are allowable at least for the reasons discussed in regard to claim 1. Moreover, these claims add additional distinctive features.

Applicant's claim 14 is allowable over Balent because Balent neither describes nor suggests "a method of asset management." Claim 14 is further allowable over Balent since Balent neither describes nor suggests "assigning each physical asset to be tracked a unique identifying code that is unique for all assets to be tracked with no two assets belonging to different classes of physical assets and no two assets belonging to the same class of physical assets having the same identifying code."

As discussed above, the UPC barcodes used to identify retail products in the system taught by Balent are not unique "with no two assets belonging to different classes of physical assets and no two assets belonging to the same class of physical assets having the same

identifying code” because two identical retail products within a class are assigned the same UPC barcode.

Claim 14 is further distinguished over Balent because Balent neither describes nor suggests a method of asset management comprising “scanning the unique identifying label attached to a physical asset with one of the scanners every time the status of the physical asset is changed over the course of a cycle of change in status; and transmitting status update information and the unique identifying code over the communications link to the central computer database every time the status of the physical asset is changed over the course of a cycle of change in status.”

The examiner considers Balent as teaching this feature. However, as discussed above, the embodiment of Balent cited by the examiner to support this contention is directed to a system for determining the end of the useful working life of safety equipment and is thus completely unrelated to a “method of asset management.” (See pp. 18-19, 0310-0319.) The system taught by Balent merely estimates the linear useful lifetime of safety equipment based on the logging of certain critical events and therefore bears no relation to the method of asset management of claim 14 that tracks “the status of [a] physical asset . . . over the course of a cycle of change in status.”

Claims 15-21 and newly added claims 27-28, which depend directly or indirectly on claim 14, are allowable at least for the reasons discussed in regard to claim 14. Moreover, these claims add additional distinctive features.

The fact that applicant has not responded to any stated position of the Examiner should not be construed as a concession by applicant of those positions. The inclusion by applicant of arguments for patentability should not be construed as a concession by the applicants that there are not other good reasons for patentability of these claims or other claims.

Applicant : Vernon
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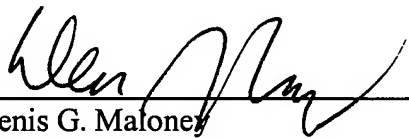
Attorney's Docket No.: 13390-02001

Enclosed is a check for \$215 for the required fee for the Petition for Extension of time and a check for \$81 for excess claims. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

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Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906